

NOMINATION PETITION AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends provisions of the Election Code relating to a petition to nominate a candidate for office.

Highlighted Provisions:

This bill:

- ▶ establishes a procedure for an individual to remove the individual's signature from a candidate nomination petition;
- ▶ recodifies and clarifies criminal provisions relating to a candidate nomination petition;
- ▶ provides that criminal provisions relating to a candidate nomination petition apply to both a candidate nomination petition for a registered political party and a candidate nomination petition for a qualified political party;
- ▶ imposes criminal and civil penalties when a signature gatherer intentionally misrepresents the purpose of a nomination petition or certain other information relating to the petition;
- ▶ requires a signature gatherer to display certain information relating to a candidate for whom they are collecting signatures; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-9-403, as last amended by Laws of Utah 2016, Chapter 28

20A-9-405, as enacted by Laws of Utah 2014, Chapter 17

20A-9-408 (Effective 01/01/17), as last amended by Laws of Utah 2016, Chapter 28

33 **20A-9-411**, as enacted by Laws of Utah 2015, Chapter 296

34

35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **20A-9-403** is amended to read:

37 **20A-9-403. Regular primary elections.**

38 (1) (a) Candidates for elective office that are to be filled at the next regular general
39 election shall be nominated in a regular primary election by direct vote of the people in the
40 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is
41 designated as regular primary election day. Nothing in this section shall affect a candidate's
42 ability to qualify for a regular general election's ballot as an unaffiliated candidate under
43 Section 20A-9-501 or to participate in a regular general election as a write-in candidate under
44 Section 20A-9-601.

45 (b) Each registered political party that chooses to have the names of its candidates for
46 elective office featured with party affiliation on the ballot at a regular general election shall
47 comply with the requirements of this section and shall nominate its candidates for elective
48 office in the manner prescribed in this section.

49 (c) A filing officer may not permit an official ballot at a regular general election to be
50 produced or used if the ballot denotes affiliation between a registered political party or any
51 other political group and a candidate for elective office who was not nominated in the manner
52 prescribed in this section or in Subsection 20A-9-202(4).

53 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
54 even-numbered year in which a regular general election will be held.

55 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,
56 shall:

57 (i) either declare their intent to participate in the next regular primary election or
58 declare that the registered political party chooses not to have the names of its candidates for
59 elective office featured on the ballot at the next regular general election; and

60 (ii) if the registered political party participates in the upcoming regular primary
61 election, identify one or more registered political parties whose members may vote for the
62 registered political party's candidates and whether [~~or not persons~~] individuals identified as
63 unaffiliated with a political party may vote for the registered political party's candidates.

64 (b) (i) A registered political party that is a continuing political party must file the
65 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
66 November 15 of each odd-numbered year.

67 (ii) An organization that is seeking to become a registered political party under Section
68 20A-8-103 must file the statement described in Subsection (2)(a) at the time that the registered
69 political party files the petition described in Section 20A-8-103.

70 (3) (a) Except as provided in Subsection (3)(e), ~~[a person who has submitted]~~ an
71 individual who submits a declaration of candidacy under Section 20A-9-202 shall appear as a
72 candidate for elective office on the regular primary ballot of the registered political party listed
73 on the declaration of candidacy only if the ~~[person]~~ individual is certified by the appropriate
74 filing officer as having submitted a set of nomination petitions that was:

75 (i) circulated and completed in accordance with Section 20A-9-405; and

76 (ii) signed by at least two percent of the registered political party's members who reside
77 in the political division of the office that the ~~[person]~~ individual seeks.

78 (b) A candidate for elective office shall submit nomination petitions to the appropriate
79 filing officer for verification and certification no later than 5 p.m. on the final day in March.
80 Candidates may supplement their submissions at any time on or before the filing deadline.

81 (c) The lieutenant governor shall determine for each elective office the total number of
82 signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number
83 of ~~[persons]~~ individuals residing in each elective office's political division who have designated
84 a particular registered political party on their voter registration forms as of November 1 of each
85 odd-numbered year. The lieutenant governor shall publish this determination for each elective
86 office no later than November 15 of each odd-numbered year.

87 (d) The filing officer shall, subject to Section 20A-9-411:

88 (i) verify signatures on nomination petitions;

89 (A) no sooner than February 20; and

90 (B) in a transparent and orderly manner;

91 (ii) for all qualifying candidates for elective office who submitted nomination petitions
92 to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on
93 the first Monday after the third Saturday in April;

94 (iii) consider active and inactive voters eligible to sign nomination petitions;

95 (iv) consider ~~[a person]~~ an individual who signs a nomination petition a member of a
96 registered political party for purposes of Subsection (3)(a)(ii) if the ~~[person has designated]~~
97 individual designates that registered political party as the ~~[person's]~~ individual's party
98 membership on the ~~[person's]~~ individual's most recent voter registration form that was signed
99 by the individual on or before the day on which the individual signs the nomination petition;
100 and

101 (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination
102 petition signatures, or use statistical sampling procedures to verify submitted nomination
103 petition signatures pursuant to rules made under Subsection (3)(f).

104 (e) Notwithstanding any other provision in this Subsection (3), a candidate for
105 lieutenant governor may appear on the regular primary ballot of a registered political party
106 without submitting nomination petitions if the candidate files a declaration of candidacy and
107 complies with Subsection 20A-9-202(3).

108 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
109 director of elections, within the Office of the Lieutenant Governor, shall make rules that:

110 (i) provide for the use of statistical sampling procedures that:

111 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

112 (B) reflect a bona fide effort to determine the validity of a candidate's entire
113 submission, using widely recognized statistical sampling techniques; and

114 (ii) provide for the transparent, orderly, and timely submission, verification, and
115 certification of nomination petition signatures.

116 (g) The county clerk shall:

117 (i) review the declarations of candidacy filed by candidates for local boards of
118 education to determine if more than two candidates have filed for the same seat;

119 (ii) place the names of all candidates who have filed a declaration of candidacy for a
120 local board of education seat on the nonpartisan section of the ballot if more than two
121 candidates have filed for the same seat; and

122 (iii) determine the order of the local board of education candidates' names on the ballot
123 in accordance with Section 20A-6-305.

124 (h) An individual who collects signatures for a candidate under this section shall, while
125 collecting the signatures, wear or carry a hat, shirt, tag, sign, or other item that contains the

126 following information, plainly visible to an individual from whom the signature gather is
127 requesting a signature:

128 (i) the name of each individual on whose behalf the signature gatherer is collecting
129 signatures; and

130 (ii) the following information for each individual described in Subsection (3)(h)(i):

131 (A) the party for which the individual is seeking nomination;

132 (B) the office that the individual is seeking; and

133 (C) if applicable, the district in which the individual is running for office.

134 (4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant
135 governor shall provide to the county clerks:

136 (i) a list of the names of all candidates for federal, constitutional, multi-county, and
137 county offices who have received certifications under Subsection (3), along with instructions
138 on how those names shall appear on the primary-election ballot in accordance with Section
139 20A-6-305; and

140 (ii) a list of unopposed candidates for elective office who have been nominated by a
141 registered political party under Subsection (5)(c) and instruct the county clerks to exclude such
142 candidates from the primary-election ballot.

143 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
144 joint-ticket running mates shall appear jointly on the primary-election ballot.

145 (c) After the county clerk receives the certified list from the lieutenant governor under
146 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
147 substantially the following form:

148 "Notice is given that a primary election will be held Tuesday, June ____,
149 ____ (year), to nominate party candidates for the parties and candidates for nonpartisan
150 State Board of Education and local school board positions listed on the primary ballot. The
151 polling place for voting precinct ____ is _____. The polls will open at 7 a.m. and continue open
152 until 8 p.m. of the same day. Attest: county clerk."

153 (5) (a) Candidates, other than presidential candidates, receiving the highest number of
154 votes cast for each office at the regular primary election are nominated by their registered
155 political party for that office or are nominated as a candidate for a nonpartisan State Board of
156 Education or local school board position.

157 (b) If two or more candidates, other than presidential candidates, are to be elected to
158 the office at the regular general election, those party candidates equal in number to positions to
159 be filled who receive the highest number of votes at the regular primary election are the
160 nominees of their party for those positions.

161 (c) A candidate who is unopposed for an elective office in the regular primary election
162 of a registered political party is nominated by the party for that office without appearing on the
163 primary ballot. A candidate is "unopposed" if no ~~[person]~~ individual other than the candidate
164 has received a certification under Subsection (3) for the regular primary election ballot of the
165 candidate's registered political party for a particular elective office.

166 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
167 office that represents more than one county, the governor, lieutenant governor, and attorney
168 general shall, at a public meeting called by the governor and in the presence of the candidates
169 involved, select the nominee by lot cast in whatever manner the governor determines.

170 (b) When a tie vote occurs in any primary election for any county office, the district
171 court judges of the district in which the county is located shall, at a public meeting called by
172 the judges and in the presence of the candidates involved, select the nominee by lot cast in
173 whatever manner the judges determine.

174 (7) The expense of providing all ballots, blanks, or other supplies to be used at any
175 primary election provided for by this section, and all expenses necessarily incurred in the
176 preparation for or the conduct of that primary election shall be paid out of the treasury of the
177 county or state, in the same manner as for the regular general elections.

178 (8) An individual may not file a declaration of candidacy for a registered political party
179 of which the individual is not a member, except to the extent that the registered political party
180 permits otherwise under the registered political party's bylaws.

181 Section 2. Section **20A-9-405** is amended to read:

182 **20A-9-405. Nomination petitions for regular primary elections.**

183 (1) This section ~~[shall apply]~~ applies to the form and circulation of nomination
184 petitions for regular primary elections described in Subsection 20A-9-403(3)(a).

185 (2) A candidate for elective office, and the agents of the candidate, may not circulate
186 nomination petitions until the candidate has submitted a declaration of candidacy in accordance
187 with Subsection 20A-9-202(1).

- 188 (3) The nomination petitions shall be in substantially the following form:
- 189 (a) the petition shall be printed on paper 8-1/2 inches long and 11 inches wide;
- 190 (b) the petition shall be ruled with a horizontal line 3/4 inch from the top, with the
191 space above that line blank for purposes of binding;
- 192 (c) the petition shall be headed by a caption stating the purpose of the petition and the
193 name of the proposed candidate;
- 194 (d) the petition shall feature the word "Warning" followed by the following statement
195 in no less than eight-point, single leaded type: "It is a class A misdemeanor for anyone to
196 knowingly sign a certificate of nomination signature sheet with any name other than the
197 [~~person's~~] individual's own name or more than once for the same candidate or if the [~~person~~]
198 individual is not registered to vote in this state and does not intend to become registered to vote
199 in this state before signatures are certified by a filing officer.";
- 200 (e) the petition shall feature 10 lines spaced one-half inch apart and consecutively
201 numbered one through 10;
- 202 (f) the signature portion of the petition shall be divided into columns headed by the
203 following titles:
- 204 (i) Registered Voter's Printed Name;
- 205 (ii) Signature of Registered Voter;
- 206 (iii) Party Affiliation of Registered Voter;
- 207 (iv) Birth Date or Age (Optional);
- 208 (v) Street Address, City, Zip Code; and
- 209 (vi) Date of Signature; and
- 210 (g) a photograph of the candidate may appear on the nomination petition.
- 211 (4) If one or more nomination petitions are bound together, a page shall be bound to
212 the nomination petition(s) that features the following printed verification statement to be signed
213 and dated by the petition circulator:
- 214 "Verification
215 State of Utah, County of ____
216 I, ____, of ____, hereby state under that:
217 I am a Utah resident and am at least 18 years old;
218 All the names that appear on the signature sheets bound to this page were, to the best of

219 my knowledge, signed by the [persons] individuals who professed to be the [persons]
 220 individuals whose names appear on the signature sheets, and each of [them] the individuals
 221 signed the [person's] individual's name on the signature sheets in my presence;

222 I believe that each has printed and signed the [person's] individual's name and written
 223 the [person's] individual's street address correctly, and that each signer is registered to vote in
 224 Utah or will register to vote in Utah before the county clerk certifies the signatures on the
 225 signature sheet."

226 (5) The lieutenant governor shall prepare and make public model nomination petition
 227 forms and associated instructions.

228 (6) A nomination petition circulator must be at least 18 years old and a resident of the
 229 state, but may affiliate with any political party.

230 [~~(7) It is unlawful for any person to:~~]

231 [~~(a) knowingly sign the nomination petition sheet described in Subsection (3):]~~

232 [~~(i) with any name other than the person's own name;]~~

233 [~~(ii) more than once for the same candidate; or]~~

234 [~~(iii) if the person is not registered to vote in this state and does not intend to become
 235 registered to vote in this state prior to 5 p.m. on the final day in March;]~~

236 [~~(b) sign the verification of a certificate of nomination signature sheet described in
 237 Subsection (4) if the person:]~~

238 [~~(i) does not meet the residency requirements of Section 20A-2-105;]~~

239 [~~(ii) has not witnessed the signing by those persons whose names appear on the
 240 certificate of nomination signature sheet; or]~~

241 [~~(iii) knows that a person whose signature appears on the certificate of nomination
 242 signature sheet is not registered to vote in this state and does not intend to become registered to
 243 vote in this state;]~~

244 [~~(c) pay compensation to any person to sign a nomination petition; or]~~

245 [~~(d) pay compensation to any person to circulate a nomination petition, if the
 246 compensation is based directly on the number of signatures submitted to a filing officer rather
 247 than on the number of signatures verified or on some other basis.]~~

248 [~~(8) Any person violating Subsection (7) is guilty of a class A misdemeanor.]~~

249 [~~(9) Withdrawal of petition signatures shall not be permitted.]~~

250 Section 3. Section **20A-9-408 (Effective 01/01/17)** is amended to read:

251 **20A-9-408 (Effective 01/01/17). Signature-gathering process to seek the**
252 **nomination of a qualified political party.**

253 (1) This section describes the requirements for a member of a qualified political party
254 who is seeking the nomination of the qualified political party for an elective office through the
255 signature-gathering process described in this section.

256 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of
257 candidacy for a member of a qualified political party who is nominated by, or who is seeking
258 the nomination of, the qualified political party under this section shall be substantially as
259 described in Section 20A-9-408.5.

260 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
261 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
262 nomination of the qualified political party for an elective office that is to be filled at the next
263 general election shall:

264 (a) within the period beginning on January 1 before the next regular general election
265 and ending on the third Thursday in March of the same year, and before gathering signatures
266 under this section, file with the filing officer on a form approved by the lieutenant governor a
267 notice of intent to gather signatures for candidacy that includes:

268 (i) the name of the member who will attempt to become a candidate for a registered
269 political party under this section;

270 (ii) the name of the registered political party for which the member is seeking
271 nomination;

272 (iii) the office for which the member is seeking to become a candidate;

273 (iv) the address and telephone number of the member; and

274 (v) other information required by the lieutenant governor;

275 (b) file a declaration of candidacy, in person, with the filing officer on or after the
276 second Friday in March and before 5 p.m. on the third Thursday in March before the next
277 regular general election; and

278 (c) pay the filing fee.

279 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
280 party who, under this section, is seeking the nomination of the qualified political party for the

281 office of district attorney within a multicounty prosecution district that is to be filled at the next
282 general election shall:

283 (a) on or after January 1 before the next regular general election, and before gathering
284 signatures under this section, file with the filing officer on a form approved by the lieutenant
285 governor a notice of intent to gather signatures for candidacy that includes:

286 (i) the name of the member who will attempt to become a candidate for a registered
287 political party under this section;

288 (ii) the name of the registered political party for which the member is seeking
289 nomination;

290 (iii) the office for which the member is seeking to become a candidate;

291 (iv) the address and telephone number of the member; and

292 (v) other information required by the lieutenant governor;

293 (b) file a declaration of candidacy, in person, with the filing officer on or after the
294 second Friday in March and before 5 p.m. on the third Thursday in March before the next
295 regular general election; and

296 (c) pay the filing fee.

297 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
298 who files as the joint-ticket running mate of an individual who is nominated by a qualified
299 political party, under this section, for the office of governor shall submit a letter from the
300 candidate for governor that names the lieutenant governor candidate as a joint-ticket running
301 mate.

302 (6) The lieutenant governor shall ensure that the certification described in Subsection
303 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
304 under this section.

305 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
306 is nominated by a qualified political party under this section, designate the qualified political
307 party that nominated the candidate.

308 (8) A member of a qualified political party may seek the nomination of the qualified
309 political party for an elective office by:

310 (a) complying with the requirements described in this section; and

311 (b) collecting signatures, on a form approved by the lieutenant governor, during the

312 period beginning on January 1 of an even-numbered year and ending 14 days before the day on
313 which the qualified political party's convention for the office is held, in the following amounts:

314 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
315 permitted by the qualified political party to vote for the qualified political party's candidates in
316 a primary election;

317 (ii) for a congressional district race, 7,000 signatures of registered voters who are
318 residents of the congressional district and are permitted by the qualified political party to vote
319 for the qualified political party's candidates in a primary election;

320 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
321 residents of the state Senate district and are permitted by the qualified political party to vote for
322 the qualified political party's candidates in a primary election;

323 (iv) for a state House district race, 1,000 signatures of registered voters who are
324 residents of the state House district and are permitted by the qualified political party to vote for
325 the qualified political party's candidates in a primary election;

326 (v) for a State Board of Education race, the lesser of:

327 (A) 2,000 signatures of registered voters who are residents of the State Board of
328 Education district and are permitted by the qualified political party to vote for the qualified
329 political party's candidates in a primary election; or

330 (B) 3% of the registered voters of the qualified political party who are residents of the
331 applicable State Board of Education district; and

332 (vi) for a county office race, signatures of 3% of the registered voters who are residents
333 of the area permitted to vote for the county office and are permitted by the qualified political
334 party to vote for the qualified political party's candidates in a primary election.

335 (9) (a) In order for a member of the qualified political party to qualify as a candidate
336 for the qualified political party's nomination for an elective office under this section, the
337 member shall:

338 (i) except as otherwise provided in Section 20A-9-411, collect the signatures on a form
339 approved by the lieutenant governor, using the same circulation and verification requirements
340 described in Sections 20A-7-204 and 20A-7-205; and

341 (ii) submit the signatures to the election officer no later than 14 days before the day on
342 which the qualified political party holds its convention to select candidates, for the elective

343 office, for the qualified political party's nomination.

344 (b) An individual may not gather signatures under this section until after the individual
345 files a notice of intent to gather signatures for candidacy described in this section.

346 (c) An individual who files a notice of intent to gather signatures for candidacy,
347 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files
348 the notice of intent to gather signatures for candidacy:

349 (i) required to comply with the reporting requirements that a candidate for office is
350 required to comply with; and

351 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
352 apply to a candidate for office in relation to the reporting requirements described in Subsection
353 (9)(c)(i).

354 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
355 election officer shall, no sooner than February 20, and no later than one day before the day on
356 which the qualified political party holds the convention to select a nominee for the elective
357 office to which the signature packets relate:

358 (i) check the name of each individual who completes the verification for a signature
359 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

360 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a
361 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

362 (iii) determine whether each signer is a registered voter who is qualified to sign the
363 petition, using the same method, described in Section 20A-7-206.3, used to verify a signature
364 on a petition;

365 (iv) certify whether each name is that of a registered voter who is qualified to sign the
366 signature packet; and

367 (v) notify the qualified political party and the lieutenant governor of the name of each
368 member of the qualified political party who qualifies as a nominee of the qualified political
369 party, under this section, for the elective office to which the convention relates.

370 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in
371 this section, the lieutenant governor shall post the notice of intent to gather signatures for
372 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
373 posts a declaration of candidacy.

374 (10) If a qualified political party restricts, based on party affiliation, the voters who are
375 eligible to vote for the qualified political party's candidates in a primary election, the election
376 officer shall determine a voter's party affiliation, for purposes of determining whether the
377 individual is qualified to sign a nomination petition, based on the declaration of party
378 affiliation made in the voter's most recent voter registration form that was signed by the voter
379 on or before the day on which the voter signed the nomination petition.

380 (11) An individual who collects signatures for a candidate under this section shall,
381 while collecting the signatures, wear or carry a hat, shirt, tag, sign, or other item that contains
382 the following information, plainly visible to an individual from whom the signature gather is
383 requesting a signature:

384 (a) the name of each individual on whose behalf the signature gatherer is collecting
385 signatures; and

386 (b) the following information for each individual described in Subsection (11)(a):

387 (i) the party for which the individual is seeking nomination;

388 (ii) the office that the individual is seeking; and

389 (iii) if applicable, the district in which the individual is running for office.

390 Section 4. Section **20A-9-411** is amended to read:

391 **20A-9-411. Signing multiple nomination petitions -- Removing signatures --**
392 **Unlawful conduct.**

393 (1) An individual who signs a petition, described in Section 20A-9-403 or 20A-9-408,
394 to nominate a candidate may not sign a petition to nominate another candidate for the same
395 office.

396 (2) If an individual signs more than one petition in violation of Subsection (1), the
397 election officer may only count the signature on the first petition that the election officer
398 reviews for that office.

399 (3) (a) An individual who signs a petition, described in Section 20A-9-403 or
400 20A-9-408, to nominate a candidate may remove the individual's signature from the petition by
401 submitting, to the filing officer who is required to verify the signatures on the petition, a
402 written request that the individual's signature be removed.

403 (b) The filing officer shall comply with a request described in Subsection (3)(a) if the
404 filing officer receives the request before the filing officer verifies the individual's signature.

- 405 (c) The filing officer may not comply with a request described in Subsection (3)(a) if:
406 (i) the filing officer receives the request after the deadline described in Subsection
407 (3)(b); or
408 (ii) the request does not comply with the requirements of this Subsection (3).
409 (d) The request described in Subsection (3)(a) shall include:
410 (i) the name of the individual;
411 (ii) the resident address at which the individual is registered to vote;
412 (iii) the name of the candidate from whose petition the individual desires the
413 individual's signature to be removed; and
414 (iv) the signature of the individual.
415 (4) An individual is guilty of a class A misdemeanor if the individual knowingly signs
416 a petition, described in Section 20A-9-403 or 20A-9-408:
417 (a) with a name other than the individual's own name; or
418 (b) more than once for the same candidate.
419 (5) An individual is guilty of a class A misdemeanor if at the time that the individual
420 signs a petition, described in Section 20A-9-403 or 20A-9-408, the individual:
421 (a) is not registered to vote in this state; and
422 (b) does not intend to become registered to vote in this state before the deadline for
423 submitting signatures for the petition.
424 (6) An individual who signs the verification for a signature sheet for a petition,
425 described in Section 20A-9-403 or 20A-9-408, is guilty of a class A misdemeanor if the
426 individual:
427 (a) does not meet the residency requirements described in Section 20A-2-105;
428 (b) did not witness the signing by the individuals whose names appear on the signature
429 sheet; or
430 (c) knows that an individual whose signature appears on the signature sheet is not
431 registered to vote in this state and does not intend to become registered to vote in this state.
432 (7) A person is guilty of a class A misdemeanor if the person:
433 (a) pays compensation to an individual to sign a nomination petition, described in
434 Section 20A-9-403 or 20A-9-408; or
435 (b) pays compensation to a person to circulate a nomination petition, if the

436 compensation is based directly on the number of signatures submitted to a filing officer rather
437 than on the number of signatures verified or on some other basis.

438 (8) A person that circulates a nomination petition, described in Section 20A-9-403 or
439 20A-9-408, is guilty of a class A misdemeanor if the person intentionally misrepresents:

440 (a) the purpose of the petition;

441 (b) the name or political party of the candidate to be nominated by the petition;

442 (c) the office for which the candidate is seeking to be nominated by the petition; or

443 (d) that the candidate seeking nomination by the petition is or is not an incumbent of
444 the office for which the candidate is seeking nomination by the petition.

445 (9) (a) An election officer shall impose a \$100 civil fine against a candidate if a person
446 who is authorized by the candidate or the candidate's campaign to circulate a nomination
447 petition for the candidate violates Subsection (8) in relation to the nomination petition.

448 (b) An election officer shall impose a separate fine under Subsection (9)(a) for each
449 violation of Subsection (8).